

## REMARKS

By this Amendment, Applicants amend claims 1, 3, 5, 6, 10, and 14 to more appropriately define Applicants' invention. No new matter is added. Claims 1-8, 10-12 and 14 remain pending in this application.

In the Final Office Action, the Examiner rejected claims 1-8, 10-12, and 14 under 35 U.S.C. § 102(b) as being anticipated by Yamanoue et al. (U.S. Patent No. 5,767,430). Applicants respectfully traverse the rejection for the following reasons.

To properly anticipate Applicants' claimed invention under 35 U.S.C. § 102(b), the Examiner must show that each and every element of the claim in issue, either expressly described or under principles of inherency, is taught in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2121 (8<sup>th</sup> ed., Aug. 2001), *quoting Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131 (8<sup>th</sup> ed. 2001), p. 2100-69.

Yamanoue discloses a sound-source controlling device in which the processing load required for interpretation of music data may be varied depending upon the CPU load. In particular, a music sound source device allows the time interval of interpreting music paper data to change without changing the music paper data and without changing the tempo of the reproduced music composition. Further, the processing load of interpretation of the music paper data may be changed responsive to the load imposed on the CPU. See col. 2, lines 56-64. The sound source controller checks the load of the entire video game device including its graphic system by generating

interruptions depending upon the determined interruption intervals and by reading the musical score data corresponding to the interruption timing. See col. 9, lines 3-38.

Accordingly, as disclosed by Yamanoue, the interruption timing is determined to correspond to the processing load of the entire game device and a portion of the musical score data is read that corresponds to the determined interruption timing in order to reproduce musical notes. If the interruption interval is short, then the amount of the musical score data that is read per unit of time is decreased. However, if the interruption interval is long, then the amount of the musical score data that is read per unit of time is increased. In other words, Yamanoue teaches that the amount of the musical score data that is read is decreased for a short interruption interval and that the amount of the musical score data that is read is increased for a long interruption interval.

By contrast, Applicants' independent claims 1, 3, and 5 recite a combination including, among other things, "outputting background music," "detecting an occurrence of an event accompanied by sound," "delaying a timing of the output of the sound so that the background music, which is outputted at the time the occurrence of the event is detected, and the sound corresponding to the event are synchronized" and "after delaying the timing, outputting the sound corresponding to the event." Yamanoue does not disclose at least these features of Applicants' claimed invention. For at least this reason, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 3, and 5.

Dependent claims 2 and 4 depend from one of allowable claims 1 and 3. These dependent claims are therefore allowable for at least the same reasons as claims 1 and

3. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 2 and 4.

Applicants' independent claims 6, 10, and 14 include recitations of a similar scope as claims 1, 3, and 5. For example, claims 6, 10, and 14 each recite a combination of elements including, among other things, "outputting an accompaniment corresponding to the status of a game," "detecting an occurrence of an event accompanied by a melody," "delaying a timing of the output of the melody so that a progression of an accompaniment, which is outputted at the time the detection of the occurrence of the event is detected, and the output of the melody corresponding to the event are synchronized" and "after delaying the timing, outputting the melody corresponding to the event." These claims are therefore allowable for at least the same reasons as discussed above in relation to claims 1, 3, and 5. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 6, 10, and 14.

Dependent claims 7, 8, 11, and 12 depend from one of allowable claims 6 and 10. These dependent claims are therefore allowable for at least the same reasons as claims 6 and 10. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 7, 8, 11, and 12.

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## CONCLUSION

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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